TL 3968

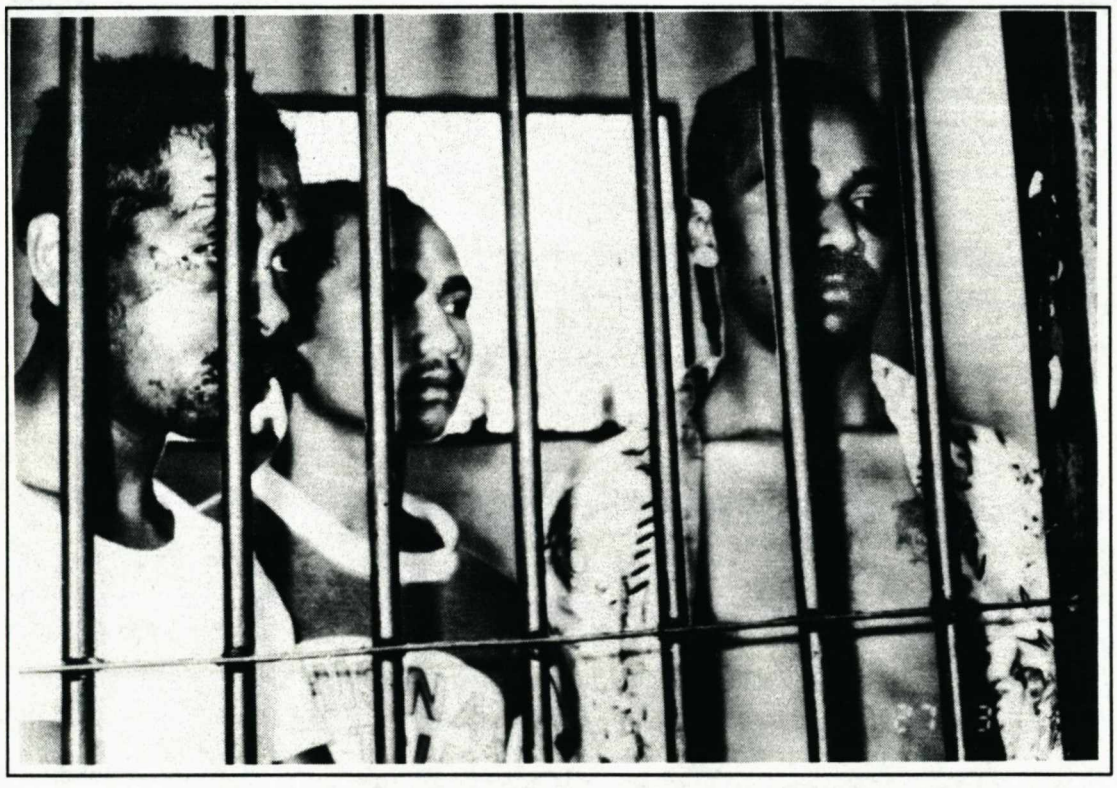
amnesty international

EAST TIMOR

The Mahkota Hotel Demonstration Trials

June 1997
Action Ref: PIRAN 2/97

AI INDEX: ASA 21/37/97
DISTR: SC/CO/CC/GR



INTRODUCTION

Thirty-three youths are awaiting trial in East Timor for their role in a demonstration which began peacefully to bring their concerns about Indonesia's occupation of East Timor to the attention of the United Nations Personal Representative of the Secretary General on East Timor, Jamsheed Marker. The peaceful demonstration on 23 March 1997 ended in scuffles with the security forces who used violence in their attempts to disperse the crowd. Dozens of youths were wounded. The security forces' handling of the demonstration has been criticised by Indonesia's National Commission on Human Rights.

Many of those East Timorese who demonstrated on 23 March at the hotel where the UN Personal Representative was staying, have been arrested and are now to be tried for their peaceful

attempt to bring international attention to East Timor. Others, who face charges of assault, are believed to have been beaten by the security forces and may have been acting to protect themselves. All 33 are now at risk of trials which will not accord with international and domestic standards for fairness.

BACKGROUND

The demonstration began at around 5 am on 23 March 1997 when about 200 youths marched to the Mahkota Hotel in Dili, the capital of East Timor, where Jamsheed Marker was staying during a three-day visit to East Timor. Police monitored the march to the hotel but took no action. At around 6 am the demonstrators gathered in the hotel where they hoped to present the Personal Representative with documentation about the current situation in East Timor. The demonstrators were permitted to enter the hotel foyer. They were carrying banners and pamphlets and shouting slogans in support of East Timorese independence. Jamsheed Marker did not meet with the demonstrators but is thought to have sent one of his staff to collect the documentation.

Not long after the group entered the foyer, police and troops also arrived at the hotel and attempted to disperse the demonstration. The police admitted firing warning shots and there are also reports that rubber bullets were fired at demonstrators. Demonstrators attempted to avoid arrest but were unable to leave the foyer through the normal doors as they were blocked by members of the security forces.

Having been prevented from leaving the hotel foyer through the doors, the demonstrators broke several windows to escape arrest. Some people received cuts as they climbed out through the broken windows. Forty-eight demonstrators were arrested including several people who were believed to have been arrested by police and military waiting outside. Others were reportedly arrested at the Motael Church where they went after the demonstration was dispersed. On 24 March, police released three of the 48 but indicated that arrests of other individuals believed to have been involved in the demonstration would follow. At least three more youths, Cesaltino Ximenes, Herminigildo Da Costa and Tomas Coreia, were detained that day by police in Dili in connection with the demonstration.

Many of the detainees were initially denied access to medical treatment and to their families. Nineteen of those taken into custody were held in police detention before being moved to Becora Prison the following day. By 25 March, two days after they were arrested, they had not been provided with any medical care or allowed to meet with their families.

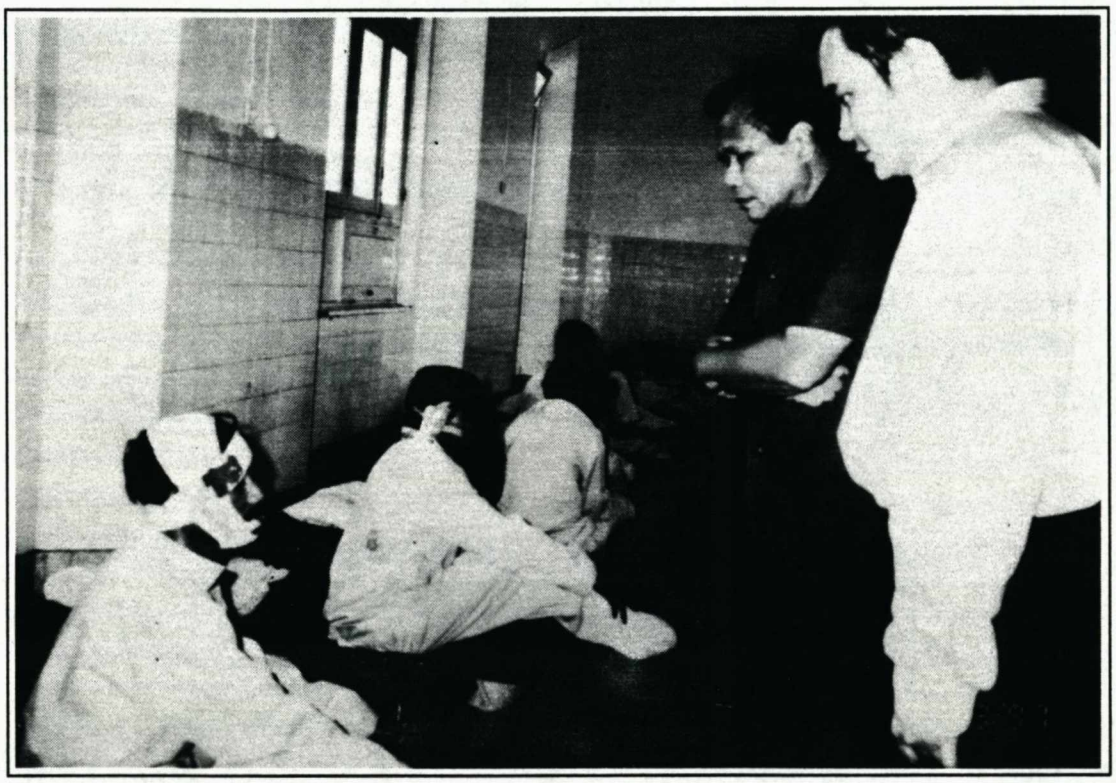
Most of those arrested were subjected to ill-treatment, including beatings, by the security forces. Eleven youths were so badly wounded that they were taken to a military hospital for treatment. There were unconfirmed reports that at least one person was shot and wounded by the security forces during the confrontation.

The security forces' handling of the demonstration at the Mahkota Hotel was strongly condemned by domestic human rights monitors. On 29 March, Indonesia's National Commission on Human Rights (*Komisi Nasional Hak Azasi Manusia* - Komnas HAM), criticising the level of brutality, stated that the authorities should not use violence in dealing with protests. Komnas HAM's comments came after two members of the National Commission visited those detained at Becora Prison and those under arrest at the military hospital. Clementino Dos Reis Amaral, a member of Komnas HAM, was quoted as saying "*[p]olice attacked the protestors with sticks and also kicked*

and punched them". Komnas HAM claimed that the 24 people detained in Becora Prison had all received injuries which "*suggest they were beaten up*". Confirming that a total of 37 protestors had been beaten, Clementino Amaral said that "*[t]hey have swollen eyes, mouths, backs and chests. Some haven't eaten for four days because they can't do it as the result of the beating*".[1] According to Komnas HAM, the 11 people who were detained and treated in the military hospital all sustained injuries from "unfair treatment" by the security forces.

Following Komnas HAM's visit, Commission member Albert Hasibuan was quoted as saying that:

> *Law enforcers in East Timor should put the law above anything else in handling any affairs; the law has not been enforced as people expect.*[2]



Komnas HAM visiting the detainees in Wirahusada Military Hospital in Dili.

The trials

It quickly became clear that the demonstrators would face serious reprisals for their efforts to bring information about the situation in East Timor to the attention of the UN Secretary General's Personal Representative. Two days after the arrests, a police official was quoted as saying that 24 of the demonstrators would face charges under Indonesia's so-called "Hate-sowing" Articles because "*[t]he*

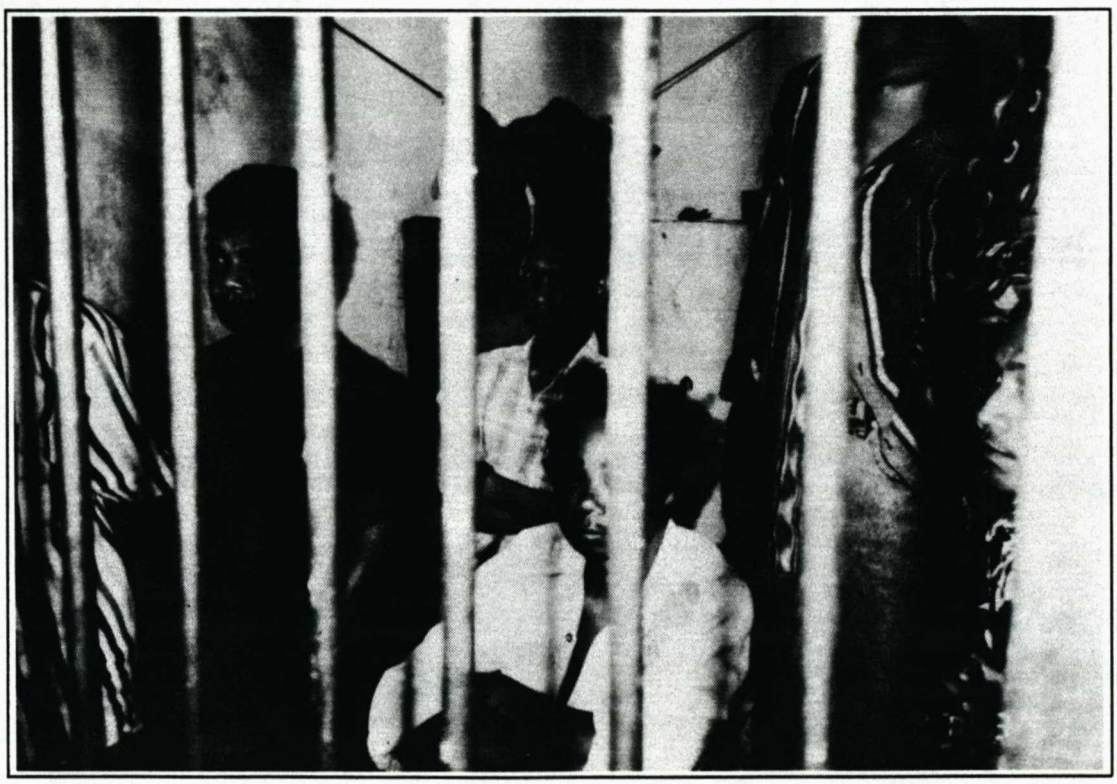
---

[1]Reuters, 29 March 1997.

[2]Jakarta Post, 29 March 1997.

banners they displayed show hatred against the government".[3] The "Hate-sowing" Articles punish expressing "hatred" towards the government or government bodies and are frequently used in Indonesia and East Timor to imprison individuals engaging in peaceful political, human rights or trade union activity. Thirty-three people, all currently detained in Dili's Becora Prison, are to be tried. The trials will begin in June.

A total of 17 people are facing charges under the "Hate-sowing" Articles. Three people, Marito Brafas Soares, Cancio A Henrique Guterres and Alberto da Costa (alias Bareto), are facing trial under Article 154 of the Criminal Code, which punishes the *"public expression of feelings of hostility, hatred or contempt toward the government"* with up to seven years' imprisonment. A further 14 people are facing a primary charge under Article 154 and a subsidiary charge under Article 155 which prohibits the expression of feelings of hostility, hatred or contempt towards the government through the public media, with a maximum penalty of four and a half years' imprisonment. The 14 are: Luis de Fatima Pereira, Dominggos da Costa, Nelson Pereira, Amaro Pereira, Miguel Alves, Ronaldo Brazil Januario, Carlos Gusmao, Celestino Manuel Pereira, Mateus da Costa Belo, Mariano da Silva, Moises Feliciano Soares, Alipio Soares, Hermenegildo da Costa and Thomas Augusto Correiro.



The Mahkota detainees.

Amnesty International is concerned that the 17 youths facing charges under the "Hate-sowing" Articles face heavy prison sentences for the peaceful expression of their political beliefs. The organization considers them to be prisoners of conscience and is calling for their immediate and unconditional release.

---

[3]Reuters, 25 March 1997.

Sixteen other people are facing charges of assault under Article 354 of Indonesia's Criminal Code. They are: Olga Amaral (f), Celina Pires da Costa (f), Anino da Silva, Agusto Raimundo Matos, Jose Gabriel, Domingos Sarmento, Joao Henrique (alias Elias), Rafael de Almeida, Constancio G Leite, Abel Ximenes, Jose Sarmento Boavida (alias Jose), Zito Borges, Mateus da Costa Inacio, Alecio da Silva Ximenes, Bendito Amaral Alves and Anacleto da Silva.

At least four of those now awaiting trial, including two women and one man who are facing charges of assault, were among the 11 taken to hospital for treatment after being injured during the break-up of the demonstration by the police. The two women who were wounded, Olga Amaral and Celina Pires da Costa, are believed to have been beaten.

Amnesty International has received credible information which indicates that the demonstration was peaceful until it was suddenly and violently dispersed by the police and the military. This view has also been confirmed by Komnas HAM. Amnesty International is concerned that some of those charged with assault may have been acting in legitimate self-defence. It is therefore imperative that they are given a fair trial in accordance with international standards. In particular their right to call and question witnesses must be upheld and any such witnesses should be able to appear in court without fear of harassment or intimidation from the security forces.

Amnesty International is calling for a thorough and impartial investigation into the allegations of ill-treatment during the security forces' handling of the demonstration. Those being charged with assault should be given a fair trial where they can adequately present their defence, including any evidence indicating that they may have acted in legitimate self-defence.

Please send telegrams/telexes and airmail letters in English or Bahasa Indonesia calling on the Indonesian authorities:

* to drop the charges under the "Hate-sowing" Articles against the 17 youths facing trial for their entirely peaceful role in the demonstration at the Mahkota Hotel on 23 March;

* to conduct a thorough and impartial investigation into the allegations, confirmed by Indonesia's National Commission on Human Rights, of ill-treatment by the security forces against the demonstrators;

* ensure that all those facing charges are given every opportunity for a fair trial, including full and regular access to their legal representatives, adequate time and facilities to prepare their defence, full information about the schedule of the trials, the presumption of innocence and the opportunity to call and question witnesses.

Please send appeals to:

MINISTER OF JUSTICE
Haji Utoyo Usman S.H.
Menteri Kehakiman
Jl. H.R. Rasuna Said Kav. 6-7
Kuningan
Jakarta Selatan
Indonesia

Fax: +62 21 525 3095
Tlx: 44404 ditjenim ia
Tlg: Justice Minister, Jakarta, Indonesia

Please send copies of your appeals to:

MILITARY COMMANDER REGION IX/UDAYANA
(covers Bali, Lombok, Nusa Tenggara and East Timor)
Maj Gen Rivai
Pangdam IX/Udayana
Markas Besar KODAM IX/Udayana
Denpasar
Bali
Indonesia

KEYWORDS: PRISONERS OF CONSCIENCE1 / TORTURE/ILL-TREATMENT / TRIALS / DEMONSTRATIONS / POLICE / UN / NATIONAL HUMAN RIGHTS COMMISSION / PHOTOGRAPHS /